

II. IN THE CLAIMS:

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (Original) An enucleation device comprising:
 - a) a proximal end;
 - b) a distal end comprising a cutting cap comprising a plurality of deformable blades; and
 - c) a shaft between the proximal end and the cutting cap;where the plurality of deformable blades can cut material in a space when the blades not deformed, after accessing the space through a passage while the blades are deformed; and
where the passage has a smaller cross-sectional area than the lateral cross-sectional area of the undeformed blades while the blades are cutting the material.
2. (Original) The enucleation device of claim 1, where the shaft is flexible.
3. (Original) The enucleation device of claim 1, further comprising an axial guidewire lumen between the proximal end and the distal end.
4. (Original) A method of cutting material in a space, comprising
 - a) providing the enucleation device of claim 1;
 - b) accessing the space with the enucleation device; and
 - c) actuating the device, thereby effecting cutting of the material.
5. (Original) The method of claim 4, further comprising:
deforming the blades before actuating the device, and accessing the space through a passage while the blades are deformed;
where the passage has a smaller cross-sectional area than the lateral cross-sectional area of the undeformed blades while the blades are cutting the material.
6. (Original) The method of claim 4, where the passage is curved.

7. (Original) The method of claim 4, further comprising advancing and retracting the cutting device in the space to cut additional material.
8. (Original) The method of claim 4, where accessing the space comprises advancing the cutting device over a guide wire.
9. (Original) The method of claim 4, where the material cut is selected from the group consisting of intervertebral disk and vertebral body endplate material.
10. (Original) The method of claim 4, where accessing the space comprising advancing the enucleation device through a transpedicular access passage in a vertebra.
11. (Original) A method of cutting material in a space, comprising:
 - a) providing the enucleation device of claim 1;
 - b) creating a passage to access the space;
 - c) deforming the blades to fit through the passage;
 - d) advancing the enucleation device through the passage until the cutting cap passes into the space, thereby allowing the blades to expand to their undeformed shape; and
 - e) actuating the enucleation device, thereby effecting cutting of the material;where the passage has a smaller cross-sectional area than the lateral cross-sectional area of the undeformed blades while the blades are cutting the material.
12. (Original) The method of claim 11, further comprising advancing and retracting the cutting device in the space to cut additional material.
13. (Original) The method of claim 11, where advancing the cutting device through the passage comprises advancing the cutting device over a guide wire.
14. (Original) The method of claim 11, where the passage is curved.
15. (Original) The method of claim 11, where the material cut is intervertebral disk.

U.S. APPLICATION NO. 10/606,409
ATTORNEY DOCKET NO. 64118.000141

16. (Original) The method of claim 11, where the material cut is vertebral body endplate material.
17. (Original) The method of claim 11, where the passage is a transpedicular access passage in a vertebra.